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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

RYAN Q. CLARIDGE,

14 Plaintiff,

15 || v.

16 I-FLOW CORPORATION; a Delaware  
17 corporation; I-FLOW, LLC, a Delaware limited  
liability company; DJO LLC (f.k.a. DJ  
18 ORTHOPEDICS, LLC), a Delaware limited  
liability company; DJO, INCORPORATED, aka  
19 DJO, INC., a Delaware corporation; STRYKER  
CORPORATION, a Michigan corporation; and  
20 STRYKER SALES CORPORATION, a  
Michigan corporation.  
21

22 Defendants.

CASE NO.: 2:18-CV-01654-GMN-BNW

**JOINT STIPULATION TO EXTEND  
EXPERT DISCOVERY DEADLINES  
PENDING RESOLUTION ON MOTION  
TO AMEND THE SCHEDULING ORDER  
[DKT. NO. 60]**

1 Pursuant to Fed. R. Civ. P. 16(b)(4) and Local Rules 26-4 and IA 6-1, Plaintiff  
2 Ryan Claridge (“Plaintiff”) and Defendants I-Flow, LLC, Stryker Corporation, and  
3 Stryker Sales Corporation (collectively, “Defendants”), hereby stipulate and jointly  
4 move the Court for an Order as follows:

5 WHEREAS the Court’s March 5, 2019, Scheduling Order [Dkt. No. 39]  
6 (“Scheduling Order”) set the following FRCP 26(a)(2) Disclosure of Expert  
7 deadlines:

- 8 1. **August 12, 2019** for Plaintiff’s disclosure of expert witnesses;
- 9 2. **September 26, 2019** for Defendants’ disclosures of expert witnesses; and
- 10 3. **October 26, 2019** for Plaintiff’s disclosure of expert witnesses expected to  
offer rebuttal expert opinion testimony.

12 WHEREAS pursuant to Rule 16(b)(4) of the Federal Rules of Civil Procedure,  
13 “a schedule may be modified only for good cause and with the judge’s consent”;

14 WHEREAS the Parties have endeavored in good faith to comply with the  
15 deadlines set by this Court’s Scheduling Order by diligently pursuing discovery since  
16 this action’s inception. Particularly, by exchanging case-specific and standard  
17 production written discovery, and taking seven depositions in four different states.  
18 This Stipulation is not filed in lieu of Defendants Motion to Amend the Scheduling  
19 Order [Dkt. No. 60], and Defendants continue to maintain that additional time is  
20 necessary to complete discovery. Defendants hereby adopt Sections I-III of its  
21 Motion to Amend the Scheduling Order and supporting Declarations, which provides  
22 an introduction and relevant background, establishes good cause for seeking this  
23 extension, and outlines a comprehensive summary of discovery that has been  
24 completed against discovery that remains outstanding. By filing this Stipulation,  
25 Plaintiff does not consent to Defendants’ Motion to Amend the Scheduling order and  
26 reserves any objections or arguments;

27 WHEREAS good cause exists to extend the FRCP 26(a)(2) Disclosure of  
28 Expert deadlines because:

- 1       1. The following key depositions have not yet taken place because of unavoidable  
2       scheduling conflicts and limited witness availability:
- 3           a. Deposition of the PMK of Patriots, scheduled for August 12, 2019;  
4           b. Deposition of Plaintiff Ryan Claridge, scheduled for August 15, 2019;  
5           c. Deposition of Dr. Randall Yee, scheduled for August 21, 2019;  
6           d. Continued Deposition of Jerry Robinson, scheduled for August 29,  
7           2019;  
8           e. Deposition of Dr. Ronald Koe, scheduled for September 20, 2019;  
9           f. Deposition of Dr. James Gardiner, not currently set as the Parties are  
10          searching for a date available to all the Parties;  
11          g. Deposition of Dr. Michael Metcalf, not currently set as the Parties are  
12          searching for a date available to all the Parties;  
13          h. Depositions of additional persons affiliated with organizations in the  
14          National Football League, not currently set as the Defendants are  
15          searching for a date available to all the Parties;  
16          i. Defendants anticipate taking as many as two dozen additional fact  
17          witness depositions, including the depositions of fact witnesses and  
18          other medical professionals that have yet to be disclosed or discovered;  
19          and  
20          j. Deposition of Defendants.
- 21       2. The testimony of the above-listed deponents is necessary before the Parties can  
22          designate experts.

23           WHEREAS Defendants have already filed a motion to amend the Scheduling  
24          Order to extend all deadlines, including the above mentioned FRCP 26(a)(2)  
25          Disclosure of Expert deadlines (the “Motion to Extend All Deadlines”);

26           WHEREAS the Parties do not seek to affect the outcome of the Motion to  
27          Extend All Deadlines, and instead file the present stipulation to provide immediate  
28          but temporary relief to the Parties who, despite having endeavored in good faith to

1 comply with the Scheduling Order, will be unable to comply with the current FRCP  
2 26(a)(2) Disclosure of Expert deadlines;

3           **NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED**  
4 **THAT:**

5           With the Court's consent, and while the Court decides the pending Motion to  
6 Extend All Deadlines to provide a more permanent schedule, the FRCP 26(a)(2)  
7 Disclosure of Expert deadlines in this action shall be immediately and temporarily  
8 extended by a period of 30 days, as follows:

- 9           1. **September 13, 2019** for Plaintiff's disclosure of expert witnesses;
- 10          2. **October 28, 2019** for Defendants' disclosures of expert witnesses; and
- 11          3. **November 27, 2019** for Plaintiff's disclosure of expert witnesses expected to  
12 offer rebuttal expert opinion testimony.

13           These dates are temporary and subject to the final dates outlined in the  
14 upcoming Order on the Motion to Extend All Deadlines.

15           **IT IS SO STIPULATED AND AGREED**

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17 [signatures on the next page]

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21  
22 **ORDER**

23 IT IS SO ORDERED.

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25   
UNITED STATES MAGISTRATE JUDGE

26 DATED: August 9, 2019  
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